

**REMARKS**

Claims 1-7 are pending in the above-identified application.

In the Office Action, Claims 1-5 were rejected.

In this Amendment, Claim 1 is amended. No new matter has been introduced as a result of this amendment.

Accordingly, claims 1-5 are at issue.

**I. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1-5 were rejected under 35 U.S.C. § 102(e) as being anticipated by Watanabe et al. (US Pub. 20030116852). Although Applicant respectfully traverses this rejection, independent Claims 1 and 4 have been amended to clarify the invention and remove any ambiguities that may have been at the basis of this rejection.

Claim 1 is directed to a semiconductor device. The semiconductor device comprises a substrate, a first insulation film, a first conductive layer, a second conductive layer, a second insulation film, and a third conductive layer.

Amended Claim 1 defines the structure of the semiconductor device as including “a first conductive layer formed on the substrate with the first insulation film positioned between the substrate and the first conductive layer.”

In contrast, Watanabe fails to teach or disclose a similar semiconductor device structure. In Watanabe, the first or second conductive layer 36 (22, 21) (as illustrated by the Examiner) is positioned directly on the substrate 20.

Thus, Claim 1 is allowable over Watanabe, as are dependent Claims 2 and 3 for at least the same reasons.

Independent Claim 4 has been amended to recite the same distinguishing structural feature as that described above with respect to Claim 1. Thus, Claim 4 is allowable over Watanabe, as is dependent Claim 5 for at least the same reasons.

## **II. Conclusion**

In view of the above amendments and remarks, Applicant submits that Claims 1–5 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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